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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,434	04/27/2000	Keshaba Chandra Sahoo	30566.90US01	4313

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EXAMINER

LE, MIRANDA

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/560,434

Applicant(s)

KESHABA CHANDRA SAHOO

Examiner

Miranda Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,6,7,10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-3, 6-7, 10-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to Amendment C, filed 03/22/2004.
2. Claims 1-3, 5-7, 9-11 are pending in this application. Claims 1, 5, 9 are independent claims. In the Amendment C, claims 1, 5 have been amended. This action is made Final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5-7, 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Saether et al. (US Pub. No. US 2001/0042073 A1).

Saether anticipated independent claims 1, 19, 25, by the following:

As to claims 1, 5, 9, Saether teaches “obtaining a request to save a file in a requested file version, wherein the file contains an object” at [0008, 0009], [0031-0032], [0042-0043], [0074, 0075], [0084-0085];

“determining if the requested file version is earlier than an object introduction version of the object” at [0032-0033], [0035], [0044], [0049-0054], [0064], [0077, 0078];

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“saving the file by streaming out data representing an instance of the object to the file in the requested file version if the requested file version is equal to or later than the object introduction version, wherein the data comprises actual methods and attributes of the object” at [0013], [0031-0033], [0034-0035], [0055, 0056], [0058], [0064, 0065], [0078];

“saving the file by streaming out the data representing the instance of the object to the file, in the object introduction version if the requested file version is earlier than the object introduction version” at [0031-0035], [0056], [0058], [0061], [0064], [0078].

As to claims 2, 6, 10, Saether teaches “representing the object as a proxy object when a file is opened, and wherein the streaming out in the object introduction version comprises: the proxy object holding onto the object's data; and the proxy object streaming out the object's data” at [0055-0058].

As to claims 3, 7, 11, Saether teaches “one or more superior objects of the object querying the object to determine a version to stream out to the file” at [0068-0077], [0079-0081];

“the object responding to stream out in the requested file version if the requested file version is equal to or later than the object introduction version” at [0068-0077], [0084-0085];

“the object responding to stream out in the object introduction version if the requested file version is earlier than the object introduction version” at [0068-0077], [0084];

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“the one or more superior objects of the object streaming out in accordance with the object response” at [0068-0077], [0085].

Response to Arguments

5. Applicant's arguments filed 03/10/2003 have been fully considered but they are not persuasive. The Examiner has thoroughly reviewed Applicants' arguments, but firmly believes that the cited reference reasonably and properly meets the claimed limitation. Applicants are reminded that the Examiner is entitled to give the broadest reasonable interpretation to the language of the claimed as explained below. The Examiner is not limited to Applicants' definition which is not specifically set forth in the claims. In re Tanaka et al., 193 USPQ 139, (CCPA) 1977.

Applicant argues that:

- (1) Saether does not teach, disclose or suggest a file containing an object as claimed;
- 2) Saether does not teach, disclose or suggest determining if a requested file version is earlier than an object introduction version of an object in a file;
- (3) Saether does not teach, disclose or suggest saving a file by streaming out data representing an instance of an object;
- (4) Saether does not teach, disclose or suggest streaming out such data that includes/comprises actual methods and attributes of the object;
- (5) Saether does not teach, disclose or suggest saving a file by streaming out data representing the instance of the object in a requested file version if the requested file version is equal to or later than the object introduction version;

(6) Saether does not teach, disclose or suggest saving a file by streaming out data representing the instance of the object in the object introduction version if the requested file version is earlier than the object introduction version.

The Examiner respectfully disagrees for the following reasons:

Per (1), Saether teaches a file containing an object at [0008], [0075], [0074], [0084]. Saether teaches a source file is compressed and stored as an object in a repository associated with the global server [0008]; however, it should be understood that an archived source file is also a file, e.g. F1.RCA, F2.RCA (RCA is a file extension), ([0075]). Each file has a version value (i.e. “1.2”, “1.1”, [0079]) associated with the file, and the file version contain object (i.e. GIF, TIFF, AVI, JPEG, MPEG, HTML pages, Java scripts,..., application programs), ([0084]).

Per (2), Saether teaches the version of an object (i.e. the version container, [0044]) is generated to store object in a particular version (i.e. current version). Note that the version change container includes all the actual file data, and a portion of the file data (i.e. an instance of an object) for each existing source file that was modified in the current of the set of source files (i.e. F1.RCA, F2.RCA). As discussed in (1), the file version corresponds to <F1, 1.1> ([0077]) or <F1, 1.2 ([0079]), wherein “1.1”, or “1.2” are versions of the file F1 (i.e. F1.RCA). The step of determining the different version of the file and the object, which belongs to the file, is shown at [0051]. It should be noted that after indicating the two file sources are different (i.e. the current and new version), the primary global server generates a version change container (i.e. a modified portion of the file data as mentioned) that may include a reference value (i.e. version number)

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associated with the current version of the set of source files [0054]. This implies the file version is earlier than the object version (i.e. container version).

Per (3), in response to applicant's argument that "without even mentioning the word instance or referring to an instance of an object, Saether cannot possibly teach, implicitly or explicitly, a claim that specifically provides for streaming out data that represents an instance of an object", it is reminded that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

The claimed limitation "saves a file by streaming our data representing an instance of an object" corresponds to the step of unarchiving (i.e. stream the version out) the version change container (i.e. instance of an object) and copying each unarchived source file to a new version in the versioned file tree repository on each secondary global server [0056]. It should be noted that the version change container (i.e. object introduction version) is transmitted to second global server under TAR ([0055]) format, so, the second global server needs to unarchive it before updating (i.e. saving) the version of the set of source files [0061].

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Per (4), Saether teaches streaming out such data that comprises actual methods and attributes of the object at [0011], [0084]. Note that as discussed in (1), a portion of the source file (i.e. object) in the change version container could be script type ([0011], [0084], or application program code, JAVA scripts ([0011], [0084]. Therefore, the object obviously comprises actual methods and attributes of the object (i.e. functions, method and parameters).

Per (5), Saether teaches “saving a file by streaming out data representing the instance of the object in a requested file version if the requested file version is equal to or later than the object introduction version” at [0065], [0064]. This step corresponds to “rolling back” the current version of the set of source files to a previous version. This step also includes the step of streaming the container (i.e. instance of the object as mentioned) to a previous version. In this case, the previous file version and previous container version are equal.

Per (6), Saether teaches “saving a file by streaming out data representing the instance of the object in the object introduction version if the requested file version is earlier than the object introduction version” at [0058], [0061], [0056]. The step of streaming out object data correspond to the step of unarchiving the version change container ([0056]) and copying each unarchived source file to a new version in the versioned file tree repository on each secondary global server. And, the step of saving new file version corresponds to the step of updating ([0061]).

Therefore, Saether does disclose each and every element and word including the “object” aspects of the claims. The claim language as presented is still read on by the Saether reference at the cited paragraph in the claim rejections. Arguments as raised are moot since all claim limitations relevant to this issue have been addressed accordingly.

Moreover, in response to applicant's arguments that “the object-oriented aspect cannot be ignored”, it is noted that the recitation “object oriented” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Further, although the Saether reference does not specifically suggests the term “object oriented”, Saether discloses a method for updating a version of a set of source files stored on a content server over a network, wherein the set of source files based content and applications includes GIF, TIFF, AVI, JPEG, MPEG, HTML pages, JAVA, JAVA scripts...([0084]), wherein an object (i.e. JAVA scripts) corresponds to a particular version (i.e. an instance of object) of a set of files. One skilled artisan would understand that as related to C++, JAVA - is based on C++ but optimized for the distribution of program objects in a network such as the Internet, is also a programming language in the object-oriented environment.

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Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (703) 305-3203. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (703) 305-9790. The fax number to this Art Unit is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Miranda Le
May 21, 2004



GRETA ROBINSON
PRIMARY EXAMINER